

## REMARKS

The Office Action dated April 17, 2007, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto. Claims 1-2 are pending in this application. By this Amendment, claims 1-2 are amended. Support for the subject matter of the amended claims can be found in the Specification at, for example, page 9, lines 2-3. No new matter has been added. Reconsideration of the application is respectfully requested.

The Office Action rejects claims 1 and 2 under 35 U.S.C. § 103(a) over Kumon et al. (JP 2000-322742). The rejection is respectfully traversed.

The above-identified application claims a disk kind identifying method, and associated disk apparatus, that includes detecting a wobble signal recorded on a recording surface of a disk, determining whether a cycle of the detected wobble signal is 186 times or 32 times as long as a data cycle, and identifying the kind of disk as a DVD-RW or DVD+RW, wherein the DVD-RW and the DVD+RW have a same track pitch, as recited in independent claim 1, and similarly recited in independent claim 2.

Kumon teaches a method and system to discriminate the class of a disk between an optical disk 201 that is a DVD with a memory of 2.6 gigabytes (GB) and a DVD that has a memory of 4.7 (GB) (Abstract). Accordingly, Kumon specifically teaches optical disks of different sizes, and thus, optical disks that have different track pitches. Thus, Kumon fails to disclose or render obvious a method and system to distinguish between two disks that have a same track pitch.

To establish *prima facie* obviousness, the applied art of record must teach or otherwise suggest each and every feature recited by the rejected claims. See MPEP § 2143.03.

Thus, since Kumon fails to disclose or suggest each and every feature of claims 1 and 2, including the feature of optical disks having a same track pitch, independent claims 1 and 2 are patentable over Kumon. Thus, withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) is respectfully requested.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 100341-00046.**

Respectfully submitted,



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